

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13626 of 123 17th Street Partnership and 127 17th Street Partnership, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against allowing a driveway to be less than fourteen feet in width (Sub-section 7206.7) for proposed parking spaces to serve two apartment houses in an R-4 District at the premises 123 and 127 - 17th Street, S.E., (Square 1086, Lots 68 and 69).

HEARING DATE: December 9, 1981
DECISION DATE: January 6, 1982

1. The subject property is located in an R-4 District on the west side of 17th Street between Independence Avenue and A Street, S.E.

2. The subject property consists of two adjoining lots, 68 and 69. Each lot is thirty-three feet wide at the front, and is irregularly shaped. Both lots abut a twenty-foot wide public alley which ends at these lots. Lot 69 has only five feet of frontage on the alley, and Lot 68 has seven feet of frontage on the alley.

3. Each lot is improved with a brick, two-story, four unit apartment house.

4. All of the eight units are rented and occupied. At some point in the future, the apartment units may be sold as a condominium.

5. The applicants propose to pave the rear yard and locate five parking spaces to serve the tenants or owners of the apartment units. The plat originally submitted with the application showed six spaces. At the hearing, the applicants advised that they no longer requested approval for the space numbered six on the original plat, and requested approval of the parking layout marked as Exhibit No. 22A.

6. Sub-section 7206.7 of the Zoning Regulations requires that a driveway or aisle serving the proposed parking spaces be at least fourteen feet wide. The two lots have a combined frontage of only twelve feet on the alley, and the driveway is thus only twelve feet wide at that

point. In addition the access aisle for the first nineteen feet in from the alley is only twelve feet wide. The applicants therefore request a variance of two feet.

7. There will be only a minimal amount of traffic through the driveway. The five parking spaces serve only the residential units on the lot, and do not provide commercial parking. The rear yard is to be fenced and the driveway access to the alley is to be controlled by a gate.

8. There is no way for the applicants to expand the width of the driveway as the adjoining properties are not owned by the applicants.

9. The requested parking spaces themselves conform to all the requirements of the Zoning Regulations.

10. There is a shortage of on-street parking spaces available in the area. Denial of the variance would preclude the applicants from providing any parking in the rear yard.

11. Advisory Neighborhood Commission 6B, by letter dated December 8, 1981, supported the application. The ANC found a practical difficulty in that the applicants have no way to expand the driveway entrance to the required fourteen feet. The ANC noted that there is no parking available at any time on 17th Street, thus leaving the applicants the only alternative of parking in the rear. The ANC noted that six spaces were too many, and that the applicants' revised plan for five spaces was preferable. The Board concurs with the ANC.

12. The Capitol Hill Restoration Society, by statement dated December 9, 1981, supported this application provided that the parking in question be limited to residents of 123 and 127 - 17th Street, S.E.. The Society found that the narrow rear of the property in question results in peculiar and exceptional practical difficulties, as required under Paragraph 8207.11. Access from the public alley at the rear of the properties in question is limited to a strip approximately twelve feet wide. This is the only route by which automobiles can secure access to the rear of the lot for parking. Being able to park the cars at the rear of the apartments is desirable both for apartment residents, and other residents of the neighborhood who will not have to compete for on-street parking. The applicant has indicated its intention to allow parking only for residents of the apartment buildings. With this condition, the Society urged the Board to approve this application. The Board concurs with the findings and recommendation of the Society.

13. Francis Middleton, the owner of the property located at 1640 Independence Avenue, S.E., appeared at the hearing, and raised questions regarding access to the rear of his lot. His lot abuts both the west and south sides of the rear of the subject property. That lot at the rear has only three feet of frontage on the alley. Mr. Middleton in the past has parked his car at the rear of his house on his lot. To get to that area, he must cross the applicants' property. The approval of the application, followed by the erection of the fence and the parking of cars in the rear yard, would prevent Mr. Middleton from parking in his rear yard. He would continue to have access by foot to the alley via the three foot strip of his own lot. The applicants' offered to construct a gate across the end of that strip at their own expense. Mr. Middleton has no right to request to be able to continue to cross the applicants' property with his vehicle.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the shape of the property and the width of the lots where they abut the alley constitute an exceptional condition. The Board further concludes that strict application of the Regulations would cause practical difficulties for the owners in that they would not be able to provide what is otherwise lawful parking.

The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

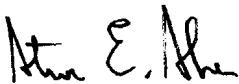
- A. The site plan, as amended, Exhibit No. 22A of the record, shall provide for five parking spaces, not six.
- B. The gates as illustrated on Exhibit No. 24 of the record shall be constructed as two half gates that will swing in only.
- C. The fences surrounding the site shall be of equal height.
- D. The applicants, at their own expense, shall provide accommodations for the adjoining property owner's access to his trash storage area.

- E. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- F. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- G. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- H. All parts of the paved area shall be kept free of refuse or debris. Other portions of the rear yard shall be landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- I. Any lighting used to illuminate the paved area shall be so arranged that all direct rays of such lighting are confined to the surface of the paved area.

VOTE: 5-0 (Charles R. Norris, Douglas J. Patton, William F. McIntosh, Lindsley Williams and Connie Fortune to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

MAR 17 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.